

09/269321

510 Rec'd OCT 24 MAR 1999

Docket No. 46793

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Howard A. FINE and William KAELIN, Jr.

SERIAL NO.: Not Yet Assigned
[Express Mail Label No. EL310196101US]

FILED: Herewith

FOR: METHOD OF TARGETING MALIGNANT CELLS USING AN E2F
RESPONSE PROMOTER

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

SIR:

PRELIMINARY AMENDMENT

Please cancel claims 1-14.

IN THE CLAIMS

~~Claims 15 and 16, line 1, delete "14", and insert --25--~~

~~Claim 17, line 1, delete "11", and insert --16--~~

~~Claim 20, line 2, after "gene", insert --, a dominant negative mutant--~~

~~Claim 24, line 1, delete "cytotoxic" and insert "cytotoxin"~~

Please add the following new claims:

Sub Cl ~~--25. A method of selectively expressing a gene in a malignant cell comprising:~~

a ~~(a) determining whether a malignant cell expresses sufficient E2F to cause~~

~~expression of a gene operably linked to an E2F responsive promoter;~~

~~(b) adding an effective amount of a nucleic acid cassette to the malignant cell~~

~~that you determined expresses sufficient E2F, wherein said nucleic acid cassette comprises~~